

**Enrolled Minutes of the Fifth Regular or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Business Meeting
Monday, February 24, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, January 13, 2020 at 6:30 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding. Once completed the Town Council moved to the plenary meeting.

The Town Council President, Mark J. Schocke presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Thomas Black reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Mark J. Schocke, Thomas Black and Roger Sheeman. Councilor Bernie Zemen was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: John P. Reed, Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner were present.

Also present: Larry Kondrat of the Board of Waterworks Directors; Michael Blejski of the Council of Community Events; and Ed Dabrowski IT Director (Contract) were also present.

Guests: Robin Carlascio of the Idea Factory and Past Town Councilor and Town Council President, Dominic Noce, were also present.

Minutes of the Previous Meetings: Councilor Black moved the approval of the minutes of the regular plenary meeting of 10 February 2020. Councilor Sheeman seconded, upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The minutes were approved.

Special Orders:

1. **Consideration of Proposed Additional Appropriations:** (non-controlled funds) Proposed Additional Appropriations in Excess of the 2020 Budget for the Information Communications Technology Fund, in the amount of \$50,000.
 - (a) **Attorney verification of Proofs of Publication:** The TIMES 12 Feb 2020. The Town Attorney indicated that the proofs of publication complied with the governing law, and were published at least 10 days before the hearing.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. The following persons spoke:
 1. Michael Blejski, Highland, asked for clarification regarding the proposed additional appropriation to cover purchase of copiers.
 2. Mike Upchurch, Highland, after receiving clarification that the public hearing was confined to comments regarding the proposed additional appropriation, elected to wait for the general public comment section of the agenda.

There being no further comments, the Town Council President ended the hearing.

- (c) **Action on Appropriation Enactment No. 2020-13:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Information Communications Technology Fund, in the amount of \$50,000, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2020-13 and moved for its consideration at the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2020-13 at the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2020-13**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the INFORMATION AND COMMUNICATIONS TECHNOLOGY FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Information Communications Technology Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Information Communications Technology Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

| | |
|---|---------------------|
| INFORMATION COMMUNICATIONS AND TECHNOLOGY FUND | |
| Acct. No. 030-0000-43009 Copiers/Scanners/Printers: | <u>\$ 50,000.00</u> |
| <i>Total Series</i> | \$ 50,000.00 |
| Fund Total: | \$ 50,000.00 |

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 24th Day of February 2020. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 24th Day of February 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

ATTEST:
Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. **Consideration of Proposed Additional Appropriations:** (controlled funds): Proposed Additional Appropriations in Excess of the 2020 Budget for the Municipal Cumulative Capital Development (MCCD) Fund in the amount of 44,364.00.
- (a) **Attorney verification of Proofs of Publication: The TIMES 12 Feb 2020.** The Town Attorney indicated that the proofs of publication complied with the governing law, and were published at least 10 days before the hearing.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments. The Town Council President closed the hearing.
- (c) **Action on Appropriation Enactment No. 2020-14:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Municipal Cumulative Capital Development (MCCD) Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2020-14 and moved for its consideration at the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2020-14 at the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
Enactment No. 2020-14

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Municipal Cumulative Capital Development Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Municipal Cumulative Capital Development Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Capital Development Fund** and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Increase the following:

| | |
|-------------------------------------|---------------------|
| 055-0000-36010 Street Light Repair: | \$ 7,560.00 |
| 055-0000-39015 Election Expenses: | <u>\$ 36,804.00</u> |
| <i>Total 300Series:</i> | <u>\$ 44,364.00</u> |

TOTAL for the FUND: **\$ 44,364.00**

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 24th Day of February 2020. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 24th Day of February 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Comments from Visitors or Residents:

1. Larry Kondrat, Highland, expressed support for Resolution No. 2020-12, a resolution that if adopted would cancel the agreement between the S.J. Highland, LLC, The Town of Highland, Public Works Department, The Town of Highland Redevelopment Department and Griffland Center, regarding certain street construction associated with the prospective development of a Senior Residential Facility.
2. James L. Wieser, Attorney for S.J. Highland, LLC, spoke in opposition to Resolution No. 2020-12. Mr. Wieser stated that plans and a petition from S.J. Highland, LLC, to be placed before the Plan Commission had been filed earlier this day. He further stated that the agreement, which Resolution 2020-12 if adopted would cancel, is binding upon the town. Mr. Wieser stated that there was no obligation under the agreement that was not met by S.J. Highland, LLC. Mr. Wieser also stated that there was no basis for canceling the agreement.
3. Terry Fuqua, Highland, spoke in support of Resolution No. 2020-12. Mr. Fuqua stated he did not favor the construction of the Senior residential facility but instead favored the proposed site being used for single family residences.
4. Michael Blejski, Highland, spoke in support of Resolution No. 2020-12. Mr. Blejski stated he did not favor the use of eminent domain to seize property as allowed in the agreement that the resolution would cancel if adopted.
5. Michael Upchurch, Highland, spoke in support of Resolution No. 2020-12. Mr. Upchurch stated he was concerned about the impact of added taxes if the senior residential facility moved forward. Mr. Upchurch expressed opposition to the development.

There being no further public comment, the Town Council President closed the public comment portion of the meeting.

Communications:

1. Communication from the Census Complete Count Committee regarding its Implementation of the Action Plan.

The Town Council acknowledged the receipt of the communication from the Complete Count Committee as information and did not require it to be read aloud.

HIGHLAND 2020 CENSUS COMPLETE COUNT COMMITTEE
Town Council Staff Report- February 24th Meeting

The Highland 2020 Census Complete Count Committee is currently implementing the Action Plan developed at the end of 2019. Outreach to the community is taking place in many ways, including outreach to Highland schools, business community, veteran's organizations, churches and apartment complexes. These efforts will continue through April, first to raise awareness of the Census and secondly, to encourage and facilitate participation by Highland residents.

Upcoming activities include the following: a February 27th presentation to the Highland Kiwanis; a March article in *Gazebo Express*; a March presentation at the monthly Highland Griffith Chamber meeting; a message on the March water bills; a School Town of Highland Census contest by the Highland High School Social Studies Department; outreach to the Hampton-In-Highland apartment complex; and, a 2020 Census Bingo event on March 12th at the Highland Library. Similar additional activities will continue throughout March and into April.

I will be putting together a draft Proclamation prior to your March 16th study session for Town Council consideration at your March 23rd meeting.

The Census will begin in March. Beginning on March 12th, the US Census Bureau will start sending out their first mailer to all known Highland addresses. This first mailing will include an individualized address ID and will invite a response to the Census survey online. Subsequent reminders will be sent out by the Census Bureau until the end of April, after which in-person visits by Census workers will begin for those Highland residents that did not respond. The 2020 Census is the first to allow response online. However, while online participation is being emphasized, everyone will have the option to complete the form either online (including through use of a smart phone), by mail or by phone.

I have been working with Highland Park Superintendent Alex Brown and Highland's IT consultant, Ed Dabrowski, in order to use the Lincoln Center lobby as a kiosk site on April 1st, which is Census Day. While some details need to be finalized, the idea of the kiosks, not only this one but also computer access opportunities that the School Town of Highland and the Highland Library are providing, is to provide internet access to those who may have difficulty accessing the Census site or do not have computer technology and want to still respond online. There is no cost involved: Ed Dabrowski would furnish the desktop computers to be used and the site would be staffed by a volunteer. I will have more details in subsequent reports.

Respectfully submitted,
Lance Ryskamp- Co-Chair

Appointments:

Legislative Appointments

Home Rule Commissions

1. Board of the Main Street Bureau of the Redevelopment Department:

- (A) Consider the resignation of D. Van Ramhorst, tendered not in writing but verbally at the meeting of the Board of February 6, 2020. *(HMC Section 14.14.040 notes that members serve at pleasure of appointing authority. IC 5-8-3.5 directs that notices of resignation must be presented to the appointing authority, in this case the Town Council. Further, pursuant to IC 5-8-4 et seq., no right of withdrawal once resignation is tendered without permission of appointing authority).*

Councilor Sheeman and the Redevelopment Director offered a brief survey regarding a recent meeting of the Main Street Bureau in which Mr. Van Ramhorst, expressed dissatisfaction with the Redevelopment Director and her policy guidance. In the course of this expression he departed the meeting communicating his intention to end his service on the Main Street Bureau.

The Town Attorney then counseled what the guidance of IC 5-8, chapters 3.5 and 4, the resignation instructed. The Town Council, as the appointing authority, would

not need to take any action regarding any resignation once it is communicated to the appointing authority.

Under general consent, the Town Council acknowledged the resignation.

General Orders and Unfinished Business:

- 1. Resolution No. 2020-12:** A Resolution Cancelling The Agreement Among and Between S. J. Highland, LLC, An Iowa Limited Liability Company, Griffland Center, Inc., An Indiana Corporation, The Town Of Highland, Public Works Department and The Town Of Highland Redevelopment Department, Concerning A Senior Housing Project. *(At a special meeting of the Town Council convened September 30, 2019, the Town Council passed and adopted Resolution No. 2019-41, which approved an agreement between S.J. Highland, LLC, (Developer), Griffland Center, Inc., the Town of Highland Public Works Department, and the Town of Highland Redevelopment Department Concerning a Senior Development Project.)*

Councilor Black moved the passage of the initial resolution but before it was seconded, the Town Council President discerned that no second was forthcoming. A colloquy ensued in which it was noted that the Town adopted Robert's Rules of Order as its parliamentary authority. It was further noted that while it is advisable and customary for the Town Council President to vacate the chair, if the President wished to make motions or second, the President does not lose rights as a member of the Town Council when elected as its President.

Noting that the Town Council Vice President was absent, The Town Council President then tried to appoint a president pro tempore, asking Councilors Herak and Sheeman, both of whom declined the appointment. The Town Council President elected not to operate under HMC Section 2.05.160. The Town Council President then seconded the motion as indicated.

Motion. Councilor Black moved to adopt Resolution No. 2020-12. The Town Council President seconded.

With leave from the Town Council, a colloquy between and among the members of the Town Council occurred regarding Resolution No. 2020-12 before action on its disposition and a proposed amendment to it. The discussion included acknowledgment of meetings conducted by councilors and councilors-elect, before they took office to be informed regarding the pending matter of the proposed senior housing facility as a development. It also included the prospects of added revenue to the sewage utility as Strack and Van Til's retail grocer would be disconnected from the Town of Griffith sewage utility and connected to Highland's.

The discussion included a consideration of the status of the existing agreement that the pending resolution would cancel. It was noted that the agreement was in force until an "event of default". Upon invitation by the Council, the Town Attorney opined that the withdrawal of the petition by the developer S. J. Highland, LLC could be an "event of default."

The discussion further included an objection by Councilor Herak that the resolution was placed on the agenda before it was discussed by the Town Council at a study session. It was further noted that HMC Section 2.05.090 (E), authorized the Town Council President to review and approve matters for placement on the meeting agenda. Councilor Herak noted after a review of Plan Commission minutes that it seemed that the developer was assured that a withdrawal would not create any penalty for the developer to refile.

The Town Council President offered that among his objections to the senior residential facility development were the costs to the Town and the inclusion in the development agreement a clause allowing the use of eminent domain.

Councilor Herak expressed concern whether cancelling the agreement would expose the Town to undue liability.

Councilor Black suggested that the matter be delayed until the next meeting for further consideration.

The Town Council President moved to amend the pending resolution, by striking the all the enrolled language in the last preamble after the words "*given that*" and replacing it with "*S. J. Highland, LLC, An Iowa Limited Liability Company is in material breach;*" Councilor Black seconded. Upon a roll call vote, there were two affirmatives and two negatives, with Councilors Black and Schocke voting in the affirmative and Councilors Herak and Sheeman voting in the negative, and the Clerk-Treasurer indicating that he would not exercise his prerogative to act as an *ex-officio* member of the Town Council for the purpose of breaking a tie, pursuant to IC 36-5-2-8 and HMC Section 2.05.120, the motion did not pass. The amendment was not adopted.

The motion to adopt Resolution No. 2020-12, was in order. Upon a roll call vote, there were two affirmatives and two negatives. With Councilors Black and Schocke voting in the affirmative and Councilors Herak and Sheeman voting in the negative, and the Clerk-Treasurer indicating that he would not exercise his prerogative to act as an *ex-officio* member of the Town Council for the purpose of breaking a tie, pursuant to IC 36-5-2-8 and HMC Section 2.05.120, the motion did not pass. The resolution was not adopted.

Scrivener note: After the motions described above, the Town Council President directed that the roll calls commence, and did not entertain other motions. Pursuant to HMC Section 2.05.230, once a roll call in underway, debate is considered ended.

2. **Resolution No. 2020-15:** A Resolution Authorizing and Approving a Perpetual Easement Agreement by and between the State of Indiana, through the Little Calumet River Basin Development Commission and the Town of Highland, through its Town Council, all pursuant to IC 14-13-2 *et sequitur*.

Councilor Herak moved the passage and adoption of Resolution No. 2020-15. Councilor Black seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
RESOLUTION NO. 2020-15

A Resolution Authorizing and Approving a Perpetual Easement Agreement by and between the State of Indiana, through the Little Calumet River Basin Development Commission and the Town of Highland, through its Town Council, all pursuant to IC 14-13-2 *et sequitur*.

WHEREAS, The Town of Highland, a municipality in the State of Indiana, does hold title to certain real estate, which is further described as follows:

Parcel No. 45-07-16-476-001.000-026

PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16-36-9; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 16-36-9, NORTH 00° 17'48" EAST, 719.88 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16-36-9, AND THE POINT OF BEGINNING; THENCE

CONTINUING ALONG SAID WEST LINE, NORTH 00° 17' 48" EAST, 430.22 FEET; THENCE SOUTH 89° 42' 13" EAST, 166.60 FEET; THENCE SOUTH 00° 17' 48" WEST, 159.35 FEET; THENCE NORTH 89° 42' 13" WEST, 146.60 TO A POINT 20 FEET EASTERLY OF SAID WEST LINE, BY PERPENDICULAR MEASUREMENT; THENCE, SOUTH 00° 17' 48" WEST, 270.97 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 16-36-9; THENCE WESTERLY ALONG SAID NORTH LINE, NORTH 89° 25' 30" WEST 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING .073 ACRES MORE OR LESS.

Parcel No. 45-07-16-476-002.000-026

PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CONRER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16-36-9; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16-36-9, NORTH 00° 17' 48" EAST, 719.88 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16-36-9; THENCE EASTERLY ALONG SAID NORTH LINE, SOUTH 89° 25' 30" EAST, 20.00 FEET; THENCE SOUTH 00° 17' 48" WEST, 719.93 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE WESTERLY ALONG SAID SOUTH LINE, NORTH 89° 17' 36" WEST, 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.33 ACRES MORE OR LESS.

Parcel No. 45-07-15-351-003.000-026

PART OF OUTLOT B IN HOMESTEAD GARDENS MASTER ADDITION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 34, PAGE 03 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 9 WEST AND PART OF NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CONRER OF SAID OUTLOT B; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID OUTLOT B, NORTH 00° 32' 49" WEST, 4.44 FEET TO THE POINT OF BEGINNING; THENCE NORTH 75° 43' 23" WEST, 91.33 FEET; THENCE NORTH 11° 04' 36" EAST, 31.70 FEET; THENCE NORTH 71° 01' 30" WEST, 84.40 FEET; THENCE NORTH 20° 34' 03" EAST, 44.81 FEET; THENCE SOUTH 71° 01' 30" EAST, 83.13 FEET; THENCE SOUTH 10° 21' 37" WEST, 20.35 FEET; THENCE SOUTH 72° 37' 54" EAST, 74.42 FEET TO THE EASTERLY LINE OF SAID OUTLOT B; THENCE SOUTHERLY ALONG SAID EASTERLY LINE, SOUTH 00° 32' 49" EAST, 53.77 FEET TO THE POINT OF BEGINNING CONTAINING 0.19 ACRES, MORE OR LESS.

Parcel No. 45-07-17-478-004.000-026

Parcel No. 45-07-17-478-005.000-026

LOTS 1 & 2 IN WICKER PARK MANOR, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 12 IN THE OFFICE OF RECORDER, LAKE COUNTY, INDIANA, CONTAINING 0.31 ACRES, MORE OR LESS.

WHEREAS, The Little Calumet River Basin Development Commission is a public body corporate and politic of the State of Indiana capable of entering into and fulfilling the requirements of a nonfederal interest (as defined by 42 U.S.C. 1962d-5b);

WHEREAS, The State of Indiana, through the Little Calumet River Basin Development Commission, has presented an agreement which provides for a perpetual easement to be granted by the Town of Highland as Grantor, to the State of Indiana, Little Calumet River Basin Development Commission as Grantee, in support to construct, reconstruct, alter, rehabilitate, maintain, repair, operate, patrol, and replace a pump station, including all appurtenances thereto along the area involving the easements related to its responsibilities associated with the Little Calumet River Basin Flood Control Project;

WHEREAS, The Town of Highland, as a political subdivision of the State, may, upon the terms and conditions that the proper authorities of the Town and the State of Indiana through the Little Calumet River Basin Development Commission consider reasonable and appropriate, lease, lend, grant, or convey to the commission, at the commission's request, real or personal property, including an interest in the property, owned by the entity that is necessary or convenient to achieving the purposes of IC 14-13-2, all pursuant to IC 14-13-2-14, and;

WHEREAS, The Town of Highland, through its Town Council, now wishes to authorize and approve such a perpetual easement on the property herein described,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Highland Lake County, Indiana as follows:

Section 1. That the Town of Highland, through its Town Council, does hereby grant a Perpetual and Assignable Easement and right-of-way to the State of Indiana, Little Calumet River Basin Development Commission, for One Dollar (\$1.00) and other good and valuable consideration, according to the terms of an Easement Agreement which is hereby adopted and incorporated by reference to this resolution;

Section 2. That Town of Highland, through its Town Council, finds and determines that the Easement Agreement Terms are reasonable and appropriate and hereby approves and ratifies the Easement Agreement in each and every respect;

Section 3. That the Town of Highland, through its Town Council hereby further finds and determines that the grant of the perpetual assignable easement will promote the general health and welfare of citizens of Indiana, will provide for the creation, development, maintenance, administration, and operation of park, recreation, marina, flood control, and other public works projects and otherwise is made in support of the purposes of IC 14-13-2-4, all pursuant to IC 14-13-2-14;

Section 4. That the Town of Highland, through its Town Council hereby authorizes the Town Council President to execute the Easement Agreement by his signature as thereto attested by the Clerk-Treasurer.

HEREBY RESOLVED and ADOPTED this 24th Day of February 2020 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark J. Schocke, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

The accompanying agreement and exhibits are on file with Office of the Clerk-Treasurer

Comments from the Town Council:

(Good of the order)

- **Councilor Bernie Zemen:** • *Fire Department, Liaison* • *Liaison to the Plan Commission*

Councilor Zemen was absent.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Advisory Board of Zoning Appeals* • *Town Board of Metropolitan Police Commissioners, Liaison* • *Public Works Liaison.*

Councilor Herak acknowledged Ms. Sandy McKnight, a volunteer organizing the display of honorific banners for Veterans. Councilor Herak invited sponsors for the banners or persons interested in purchasing one to honor veterans. Councilor Herak commended her for the effort.

Councilor Herak acknowledged the Building Commissioner, who proffered a survey of matters pending before the Plan Commission and the Advisory Board of Zoning Appeals.

Councilor Herak acknowledged the Police Chief who thanked all who supported the department's acquisition of equipment to assist officers encountering special needs children.

Councilor Herak acknowledged the Fire Chief who offered a survey of responses and incidents to which the department responded.

- **Councilor Tom Black:** *Liaison to the Board of Sanitary Commissioners* • *Liaison to the Board of Waterworks Directors.*

Councilor Black acknowledged the Redevelopment Director who reported that the newly appointed Redevelopment Commission participated in a recent orientation.

- **Councilor Roger Sheeman:** *Chamber of Commerce Liaison • Liaison to the Community Events Commission • Information Technology Liaison • Redevelopment Commission Liaison • Tree Board liaison.*

Councilor Sheeman had no further comments for this meeting.

- **Councilor President Mark Schocke:** *Town Executive • Chair of the Board of Police Pension Trustees • Park and Recreation Liaison.*

The Council President acknowledged the Parks and Recreation Superintendent who reported on the forthcoming concert by the Community Band, noting that its conductor and the band would be marking its thirtieth anniversary this year. The parks and Recreation Superintendent further reported that area parks and recreation departments agreed to sponsor a program on WJOB for Parks matters beginning March 11.

The Town Council President expressed his disappointment that Resolution no. 2020-12 did not pass.

Comments from Visitors or Residents:

1. Brandon Dothrager, Highland, expressed concern regarding the matter involving Mr. Van Ramhorst as a member of the Main Street Bureau. Mr. Dothrager also expressed his belief that Councilor Sheeman campaigned against the proposed senior residential facility development.
2. Larry Kondrat, Highland, sought clarification regarding details of the developer agreement that was not canceled by Resolution No. 2020-12. Mr. Kondrat stated he opposed corporate subsidies.
3. Michael Blejski, Highland commented on the matter involving Mr. Van Ramhorst's membership on the Main Street Bureau. Mr. Blejski stated that Mr. Van Ramhorst's taking leave from the Main Street Bureau involved his objection to a fee for a band slated to perform at a Main Street event.
4. Terry Fuqua, Highland, sought clarification regarding what units of government were affected by Meijer's property tax appeal that resulted in a refund. Mr. Fuqua expressed disappointment in businesses filing these appeals. Mr. Fuqua further expressed his opposition to the Cardinal Campus Development on Main Street in Highland and his understanding of the monetary incentives for the development.
5. Michael Upchurch, Highland, asked whether the Town could treat the senior residential facility development agreement that was the subject of Resolution 2020-12 as closed since the developer has refiled the petition.
6. Terry Fuqua, Highland asked why abatements were granted to Strack and Van Til's and expressed further disappointment in proposed incentives that he believed to be for Strack and Van Til's in the development agreement that was the subject of Resolution No. 2020-12.
7. Lydia _____ Highland, asked about the next steps involving the proposed senior residential facility based upon the re-filing by the developer with the Plan Commission. She expressed her opposition to the development.

8. Janelle Scheeringa, Highland, noted that Scheeringa Farms would participate in a fundraiser to support the Veterans' honorific banners initiative, being organized by Sandra McKnight.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **February 11, 2020 through February 24, 2020**. Councilor Black seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$349,821.88; Motor Vehicle Highway and Street (MVH) Fund, \$82,967.08; Local Road and Street Fund, \$7,165.58; Law Enforcement Continuing Education, Training, and Supply Fund, \$2,146.92; Hazardous Materials Response Fund, \$198.60; Information and Communications Technology Fund, \$5,889.27; Municipal Cumulative Capital Development Fund, \$7,148.00; Traffic Violations and Law Enforcement Agency Fund, \$1,750.00; Public Safety Local Income Tax Fund, \$18,010.54; Total: \$475,097.87.

Adjournment of Plenary Meeting. Councilor Herak moved that the plenary meeting be adjourned. Councilor Black seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 24, 2020 was adjourned at 8:15 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Approved by the Town Council at its meeting of _____, 2020.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer